

16 June 1949

MEMORANDUM TO FILES

Judging from the experience of some of our employees, who apparently have submitted a factually dependable report, and the discussions which I have personally conducted with the clerks of the various courts of the District of Columbia, I can only conclude that there is a variance between theory and practice insofar as 11 D.C. Code 1418 is concerned.

The various clerks are unanimous in stating that the following accurately portrays the practice before their respective courts with respect to the selection of prospective women jurors;

(a) Prospective jurors, as far as the government examination is concerned, are interrogated to determine their willingness to serve

(b) If the prospective juror is a woman she is advised that she is not a compellable juror. However, the various clerks state that it is common practice for the judges to persuade women to serve as a juror on the principle that service is an act of citizenship and also to achieve a more representative grouping.

(c) There is no limitation imposed on a woman's right to be excused, if she so elects, and she may be excused upon her oral request. If she is thus excused the effect is to have her name dropped permanently from the rolls of prospective jurors, whereas if she is excused for official reasons her service is merely postponed.

An excuse based on official reasons requires the written request of the Agency, and in this regard the clerks observed that they knew of no requirements that the written request be elevated to the level of an affidavit. Possibly, the women referred to in the [REDACTED] incident were seeking to be excused for cause under circumstances where an affidavit may have been suitable.

It is believed that this incident is not characteristic of the usual practice in the D. C. courts and may be a consequence of the crowded and pressing conditions under which the Criminal Division of the Municipal Court is required to function.

[REDACTED] has been advised [REDACTED]

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